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REMARKS

Applicant requests that the Examiner consider the above amendment and below remarks and make them of record in the official file. In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

The undersigned wishes to report that in a recent interview with the Applicant inventor, Mr. Patrick White, the comments of the Undersigned on page 14 of the After Final Amendment were corrected. Specifically, the Undersigned was asked to remove the limitation to which the Examiner objects. Applicant therefore hereby amends claim 18 by deleting the previously added limitation "having solid walls", as an unnecessary limitation. The claim, without this limitation, among other things, adequately distinguishes the invention over the prior art because, for example, in Belef, the nitinol used in the assembly is not used in a superelastic state. See Col. 6, line 17-19 of Belef, where it states that "the interference fit may be accomplished by cooling the nitinol telescope portion 48 below its transition temperature such that it becomes soft." The Belef invention is therefore not used as described in the disclosure of the present invention, in which assembly takes place without any cooling and assembly is accomplished in the state that the material is in at room temperature, best characterized as a way of accomplishing interference assembly. Further, Belef's assembly, because of the plastic deformation at a low temperature *is not reversible, and so does not exhibit martensitic activation.* See page 3, lines 1-13:

> U.S. Pat. No. 5, 683,404 to Johnson, entitled "Clamp and Method for its Use", further discusses shape memory materials that are "pseudo-elastic", defining these materials to be super-elastic, because of their ability to exhibit

super -elastic/pseudo-elastic recovery characteristics at room temperature. In other words, a material is super-elastic when, if sufficient stresses are applied, such materials exhibit martensitic activation (i.e., deform from an austenitic crystal structure to a stress-induced structure postulated to be martensitic in nature), returning thence to the austenitic state when the stress is removed. The alternate crystal structures described give the alloy super-elastic or pseudo-elastic properties. Poisson's Ratio for nitinol is about 0.3, but this ratio significantly increases up to approximately 0.5 or more when the shape memory alloy is stretched beyond its initial elastic limit. It is at this point that stress-induced martensite is said to occur, i.e., the point beyond which the material is permanently deformed *and thus incapable of returning to its initial austenitic shape*. (*emphasis added*).

Finally, although probably less important, it should be noted that element 18 of Belef is not stated as being made of a nitinol.

It is believed that the amendment above, removing the objected to amendments, and repeating old issues, should satisfy the Examiner and allow him to move this case to allowance. Acknowledgement of this fact is respectfully requested.

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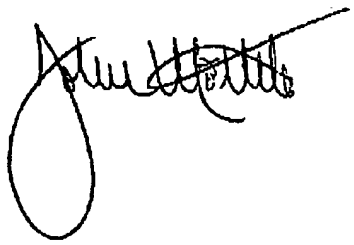
Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by amending claims, and by pointing out herein how the application as currently presented is in condition for allowance. Therefore, Applicant respectfully submits that the application may now be passed to issue. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has

further questions, he is invited to contact the undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or e-mail at moetteli@patentinfo.net. However, Applicant will take the initiative to contact the Examiner in an effort to set up an interview in an expeditious manner. For the sake of planning, the Examiner's morning hours are most convenient for Applicant for the interview.

Applicant petitions the Commissioner for an Extension of Time under 37 CFR §1.136 for ____X____ month or any other period that may be required in this application and the Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of MOETTELI & Associates SaRL, no. 50-2621.

Respectfully submitted,



Date : February 7, 2006

John MOETTELI
U.S. Reg. No. 35,289

Enclosures: Interview Request Form 413A